



European Patent Office  
80298 MUNICH  
GERMANY  
Tel: +49 89 2399 0  
Fax: +49 89 2399 4465

Hutchins, Michael Richard  
M.R. Hutchins & Co,  
23 Mount Sion  
Tunbridge Wells,  
Kent TN1 1TZ  
ROYAUME-UNI

**Formalities Officer**  
Name: Lombart, Isabelle  
Tel: +49 89 2399 - 2469  
or call  
+31 (0)70 340 45 00

**Substantive Examiner**  
Name: Lauro, Paola  
Tel: +49 89 2399 - 8288



|   |                    |                    |
|---|--------------------|--------------------|
| Application No.<br>04 806 258.2 - 2101  | Ref.<br>AST20 (EP) | Date<br>14.12.2007 |
| Applicant<br>Astex Therapeutics Limited |                    |                    |

**Communication pursuant to Article 94(3) EPC**

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

**of 4 months**

from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

**Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).**



Lauro, Paola  
Primary Examiner  
for the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)

The examination is being carried out on the **following application documents**:

**Description, Pages**

1-200 as originally filed

**Claims, Numbers**

1-32 received on 26.07.2006 with letter of 23.06.2006

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1. An International Preliminary Report on Patentability has already been drawn up for the present application in accordance with the PCT. The deficiencies mentioned in that report give rise to objections under the corresponding provisions of the EPC.

2. The report is incorporated in the present communication:

" *Reference is made to the following document:*

*D1: WO 01/32653 A (CEPHALON, INC) 10 May 2001 (2001-05-10)*

*D2: JP 2000 016984 A2 (PFIZER INC., USA) 18 January 2000 (2000-01-18)*

**Novelty**

*The compound disclosed in preparation 48 on page 173 of the translated Japanese document D2 falls within the definition of formula (I) as claimed in the current application. Novelty is not acknowledged re D2.*

**Inventive step**

*The problem underlying the present application appears to reside in the provision of pyrazole derivatives as protein kinase A and protein kinase B modulators and thus useful in treating abnormal cell growth in a mammal.*

*Since the structurally closest compounds, which are disclosed in D2 have a different activity, namely delta opioid antagonist activity, and the protein kinase modulators disclosed in D1 are remote in structure compared to the compounds of the present application, inventive step is acknowledged for the subject-matter considered to be novel.*

- *The "linker" group A needs a clearer definition in the claims.*
- *The possibility of substitutions on the rings (see e.g. E , R1) should be specified in the claims by introducing a list of suitable substituents "*
- 4. Additionally, the application fails to meet the requirements of the EPC in the following respects:
- 5. An amendment set of claims has been filed on 23.07.2006. As regards the amendments carried out in claims 1 to 17, the following is noted:
  - 5.1 Claim 11 contains an unallowable reference to the description (Rule 43(6) EPC).
  - 5.2 In claim 12, the definitions a) through d) do not represents alternatives, but only more specific meanings of the definition given under a), which contributes to increase the unclarity of the claim. The same applies to claim 21. Such claims should be revised.
  - 5.3 Expressions like "such as", "for example", "i.e." **used throughout the claims** in the present application are not considered to limit the scope of the claim (see Guidelines C-III, 4.9). If the applicant wishes to cover specifically the features following said expressions, dependent claims directed to the specific embodiments should be inserted. A limiting expression which would be accepted in a dependent claim would be "selected from".
- 6. The attention of the applicant is drawn to the fact that the application may not be amended in such a way that it contains subject-matter which extends beyond the content of the application as filed (Article 123(2) EPC).

In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicant should clearly identify the

amendments made, irrespective of whether they concern amendments by addition, replacement or deletion, and indicate the passages of the application as filed on which these amendments are based (see Guidelines E-II, 1).

If the applicant considers it appropriate, these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims.